

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PERCY LAVAE BACON,
Plaintiff,
v.
BRIAN WILLIAMS *et al.*,
Defendant.

Case No. 2:16-cv-00101-RFB-CWH

**ORDER ADOPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE CARL W. HOFFMAN**

Before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman (“R&R” or “Recommendation”). (ECF No. 5) The R&R recommends dismissing Plaintiff’s complaint, without prejudice, for failure to pay the \$400 filing fee in compliance with this Court’s August 23, 2016 order identifying Plaintiff as a three-strikes-litigant pursuant to 28 U.S.C. § 1915(g). (ECF No. 4 at 1; ECF No. 5 at 3).

Plaintiff filed an objection. (ECF No. 6). In the objection, Plaintiff states that he is not intentionally failing to comply with the Court's order to pay the filing fee but states that he does not have the money to pay the filing fee. (*Id.* at 3).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b).

1 The Court has reviewed the record in this case and the R&R and concurs with the
2 Magistrate Judge's recommendation to dismiss this case for failure to pay the \$400 filing
3 fee in full pursuant to this Court's August 23, 2016 order. The Court previously
4 determined that Plaintiff had three strikes and needed to pay the \$400 filing fee in full if
5 he wished to pursue this case. (ECF No. 4). Plaintiff has informed the Court that he
6 cannot pay the full filing fee. (ECF No. 6).

7 IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Report and
8 Recommendation of Magistrate Judge Carl W. Hoffman (ECF No. 5) is accepted and
9 adopted in its entirety.

10 IT IS FURTHER ORDERED that this action is dismissed, without prejudice.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
12 accordingly.

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14 | DATED this 16th day of November 2016.

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**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

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